THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:06-12-2005

WRIT PETITION No.26062 OF 2005

BETWEEN:

Smt.Shaheda Bee

…Petitioner

And

The District Collector, Chittoor District, Tirupathi & others.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action

of the respondents in forcibly evicting the petitioner from the lands in his possession as illegal, arbitrary and unconstitutional.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader.

The petitioner submits that her father purchased an extent of Ac.33.05 cents of land in Sy.Nos.1, 2, 3, 31, 867/2, 883/4, 884/2 and 887/2, situated at Tukivallam village, Renigunta Mandal, Chittoor District on 14-3-1959 in a public auction conducted by the official trustee of Mandras. The said property was partitioned among the family members in 1983 and the A-Schedule property in an extent of Ac.12-00 was allotted to the petitioner. To go to the said lands, one has to use the passage in the Government land and the petitioner continuously making use of the said passage for ingress and aggress, but without issuing any notice and without taking any appropriate action in accordance with law, the respondents are making attempts to dispossess the petitioner. This writ petition is filed on the apprehension that the petitioner may be dispossessed from using the said passage.

Having regard to the facts and circumstances of the case, the respondents are directed not to take any coercive steps without issuing any notice and without taking any recourse by following the due process of law.

The writ petition is disposed of accordingly. No costs.

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V.ESWARAIAH, J

Date: 06-12-2005.

Shr.